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OFFICE OF PETITIONS

In re Application of Matsubara et al.
Application Number: 10/585280
Filing Date: 05/24/2007
Attorney Docket Number: 2418.95US01

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DECISION ON PETITION

This is a decision on the "PETITION TO EXPUNGE UNINTENTIONALLY SUBMITTED INFORMATION" which is treated as a petition under 37 CFR 1.59(b), filed on December 12, 2007, requesting that a miscellaneous incoming letter (hereinafter "letter") filed on December 7, 2007 be expunged.

The petition is **GRANTED-IN-PART**.

Petitioners request that the letter be expunged because it was unintentionally submitted to the USPTO. Petitioners state that the failure to obtain the return of this letter would result in irreparable harm to the party who submitted the information or the party in interest.

Petitioners therefore seek to have this document expunged from the file.

37 C.F.R. § 1.59 sets forth:

§ 1.59 Expungement of information or copy of papers in application file.

(a)

(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section.

(2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.

(b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(h) and establish to the satisfaction

of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.

(c) Upon request by an applicant and payment of the fee specified in § 1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (see §§ 1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.

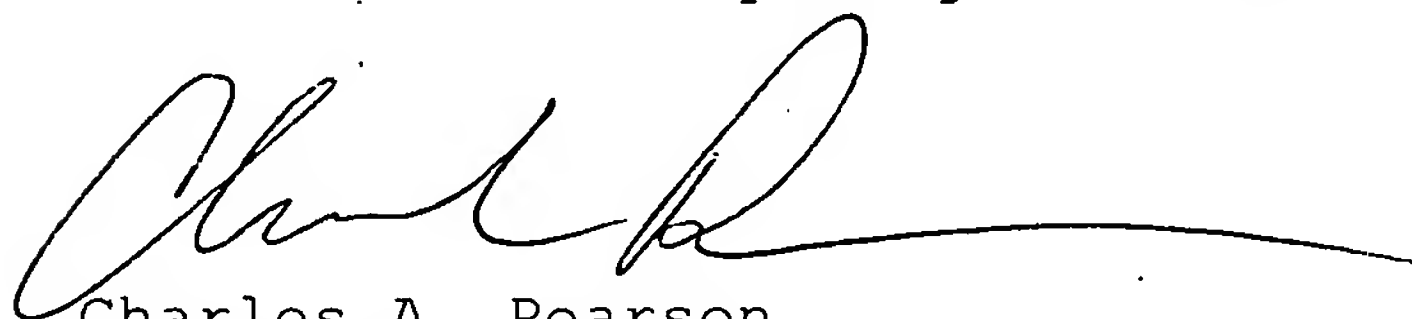
[48 FR 2710, Jan. 20, 1983, effective Feb. 27, 1983; 49 FR 554, Jan. 4, 1984, effective Apr. 1, 1984; 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; 50 FR 23123, May 31, 1985, effective Feb. 11, 1985; revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (b) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (b) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; revised, 68 FR 38611, June 30, 2003, effective July 30, 2003]

The matter petitioners wish to have expunged does not form part of the original disclosure. Petitioners have included the authorization to charge the fee associated with the filing of petition under 37 C.F.R. §1.59 to counsel's deposit account, and has established to the satisfaction of the Director that the expungement of this information is appropriate.

As such, the electronic documents which contain these pages have been closed in the Office's Image File Wrapper software viewing program. The paper documents will not be removed from the physical file however, as the Office does not remove papers from paper files which have been scanned.

The \$200.00 petition fee will be charged to counsel's deposit account as authorized in the present petition.

The general phone number for the Office of Petitions, which should be used for status requests, is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

A handwritten signature in black ink, appearing to read 'Charles A. Pearson', with a long horizontal flourish extending to the right.

Charles A. Pearson
Director, Office of Petitions